

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GARRY OTIS BATY,	§	
Register #35793-180,	§	
	§	
Petitioner,	§	
	§	CIVIL ACTION NO. H-06-0441
v.	§	(Criminal Number 4:05mj783)
	§	
DARLENE VELTRI,	§	
	§	
Respondent.	§	

MEMORANDUM OPINION AND ORDER

Petitioner, Garry Otis Baty, an inmate at the Federal Detention Center in Houston, has filed a federal petition for a writ of habeas corpus under 28 U.S.C. § 2241. Although incomplete and cryptic, Baty does allege that he is being illegally held without counsel and without a hearing. The court has reviewed the docket and has determined that the allegations are baseless. Therefore, this action shall be dismissed.

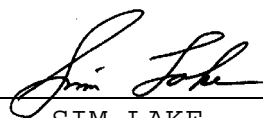
Baty alleges that he has been in custody since September 29, 2005, and has not had a hearing since that date. Baty has not provided a cause number. However, the Clerk's records reflect that he is being held pursuant to United States v. Baty, No. 4:05mj783. The records also reflect that Baty has been appointed counsel and has had several hearings pursuant to charges that he violated the

terms of a supervised release imposed by the United States District Court for the Western District of Texas, Waco Division, in Cause No. W-03-CR-203-01. See No. 4:05mj783, Docket Entry No. 12. Pursuant to a motion by Baty's counsel who observed that Baty was disoriented, confused, and unable to comprehend what he was being told, Baty has been ordered to undergo a psychological examination to determine his competency. Id., Docket Entry Nos. 12 and 13.

Baty's allegations are not based on fact and are apparently delusional. See Prewitt v. United States Postal Serv., 754 F.2d 641, 641 (5th Cir. 1985). Therefore, this action is subject to dismissal under 28 U.S.C. § 2243 because it is baseless. See McDonald v. Johnson, 139 F.3d 1056 (5th Cir. 1998).

The Clerk shall deliver a copy of this Memorandum Opinion and Order to L. Chris Iles, Attorney at Law, 1919 Hwy. 35 North, Rockport, Texas 78732, Fax 281-754-4294; the Federal Public Defender's Office, 440 Louisiana, Suite 310, Houston, Texas 77002; and the United States Attorney, Southern District of Texas, 910 Travis St., Suite 1500, Houston, Texas 77002.

SIGNED at Houston, Texas, on this 14th day of February, 2006.



SIM LAKE
UNITED STATES DISTRICT JUDGE